

GIBSON, DUNN & CRUTCHER LLP
Orin Snyder (*pro hac vice*)
osnyder@gibsondunn.com
200 Park Avenue
New York, NY 10166-0193
Telephone: 212.351.4000
Facsimile: 212.351.4035

Kristin A. Linsley (SBN 154148)
klinsley@gibsondunn.com
Martie Kutscher (SBN 302650)
mkutscherclark@gibsondunn.com
555 Mission Street, Suite 3000
San Francisco, CA 94105-0921
Telephone: 415.393.8200
Facsimile: 415.393.8306

Attorneys for Defendant Facebook, Inc.,

GIBSON, DUNN & CRUTCHER LLP
Deborah Stein (SBN 224570)
dstein@gibsondunn.com
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: 213.229.7000
Facsimile: 213.229.7520

Joshua S. Lipshutz (SBN 242557)
jlipshutz@gibsondunn.com
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5306
Telephone: 202.955.8500
Facsimile: 202.467.0539

IN RE: FACEBOOK, INC. CONSUMER
PRIVACY USER PROFILE LITIGATION,

This document relates to:

ALL ACTIONS

CASE NO. 3:18-MD-02843-VC

**DECLARATION OF MARTIE
KUTSCHER IN SUPPORT OF
FACEBOOK'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

I, Martie Kutscher, hereby declare as follows:

1. I am an associate at the law firm of Gibson, Dunn & Crutcher LLP, counsel of record for Facebook, Inc. (“Facebook”) in the above-captioned matter. I am a member in good standing of the State Bars of California, New Jersey, and New York. I submit this declaration in support of Facebook’s Administrative Motion to Seal. I make this declaration on my own knowledge, and I would testify to the matters stated herein under oath if called upon to do so.

2. Attached as **Exhibit 1** is a true and correct **redacted** copy of Plaintiffs’ Exhibit A to the parties’ Joint Status Update and accompanying exhibits in advance of the Court’s discovery conference scheduled for March 4, 2021 (“Plaintiffs Exhibit A”). A true and correct **unredacted** copy of Plaintiffs’ Exhibit A is attached as **Exhibit 2**.

3. Facebook provided Plaintiffs’ Exhibit A to Amy Lee, a Product Marketing Lead at Facebook, in advance of her deposition pursuant to Federal Rule of Civil Procedure 30(b)(6). Facebook provided Ms. Lee with Plaintiffs’ Exhibit A to enable Ms. Lee to discharge her obligations under Federal Rule of Civil Procedure 30(b)(6). Plaintiffs’ Exhibit A contains highly confidential, competitively sensitive information about revenue generated on certain Facebook products and channels, including detailed breakdowns of revenue by product and channel that are not available in Facebook’s filings with the Securities & Exchange Commission. For this reason, Facebook designated the document as “Highly Confidential – Attorneys Eyes Only” under the protective order in this action. *See* Dkt. 122.

4. Attached as **Exhibit 3** is a true and correct **redacted** copy of Plaintiffs’ Exhibit B to the parties’ Joint Status Update and accompanying exhibits in advance of the Court’s discovery conference scheduled for March 4, 2021 (“Plaintiffs’ Exhibit B”). A true and correct **unredacted** copy of Plaintiffs’ Exhibit B is attached as **Exhibit 4**.

5. Plaintiffs’ Exhibit B is email correspondence between counsel for Facebook and Plaintiffs concerning Facebook’s logging of materials from the Application Developer Investigation (the “Investigation”). *See* Dkt. 533; Dkt. 623-1, Declaration of Alexander H.

Southwell, ¶ 16. Plaintiffs' Exhibit B includes the names of certain Facebook employees involved in the Investigation. *See* Dkt. 623-1, Declaration of Alexander H. Southwell, ¶ 16.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 10, 2021 in Palo Alto, California.

/s/ Martie Kutscher

Martie Kutscher